

REMARKS

The last Office Action has been carefully considered.

It is noted that the Examiner required the restriction between the inventions disclosed in the present application, namely a power tool, and a method of producing a power tool.

In connection with the Examiner's restriction requirement, applicants have elected for further prosecution the invention related to the power tool. Claims 16-28 are readable on the elected invention and has been retained in the application, while claims 31-32 have been canceled.

Claims 16-17, 19-20, 22-23, 26 and 28 are rejected under 35 U.S.C. 102(b) over the patent to Fordeur.

The other claims are rejected over this reference in combination with other references. At the same time, the Examiner indicated that claim 18 was not rejected over the art, and would be allowable if rewritten in independent form.

The Examiner's indication of the allowability of claim 18 has been gratefully acknowledged. In connection with this, claim 18 has been

amended by introducing into it the features of claims 16 and 17, thus making it allowable. At the same time, it is believed that the features of claim 18, only, without the intermediate claim 17, are also patentable over the art. In connection with this, applicants have added claim 33 which combine the features of the original claim 16 and 18 only. It is believed that claim 33 should also be considered as being in allowable condition.

At the same time, applicants retained claim 16 and amended it to define that the grip part is affixed to a housing via the mounting part which is screwed into the housing.

Turning now to the references and in particular to the patent to Forderer, it is respectfully submitted that the new features of the present invention which are now defined in the amended claim 16 are not disclosed in this reference. The Examiner applied the patent to Forderer as anticipating the claims in the present application. It is believed that this rejection should be considered as no longer tenable with respect to the amended claim 16 and should be withdrawn.

As for the Examiner's rejection of some claims over the combination of the references, none of the references teaches the new features of the present invention as defined in the amended claim 16. therefore any combination of the references would lead only to such a

hypothetical construction which would be different from the present invention as defined in the amended claim 16.

It is therefore respectfully submitted that claim 16 should also be considered as patentably distinguishing over the art and should also be allowed.

As for the dependent claims, these claims depend on claim 16, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,


Michael J. Striker
Attorney for Applicants
Reg. No. 27233